

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

BRENT GREGORY MOORE, #1466597 §

VS. § CIVIL ACTION NO. 6:08cv25

RAY RATHBURN, ET AL.

**ORDER OF DISMISSAL**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

**ORDERED** that the Defendants' supplemental motion for summary judgment (docket entry #70) is **GRANTED**. It is further

**ORDERED** that the complaint is **DISMISSED** and the Plaintiff's claims are **DISMISSED** with prejudice to their being asserted again until the *Heck v. Humphrey*, 512 U.S. 477 (1994), conditions are met. It is finally

**ORDERED** that all other motions not previously ruled on are hereby **DENIED**.

**So ORDERED and SIGNED this 12th day of May, 2009.**

A handwritten signature in black ink, appearing to read "James C. H. Smith".

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**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**